

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

2.21

Logging Partnership

Date: November 4, 2005

I. Background

Small logging employers have historically had a higher number of accidents, injuries and fatalities when compared with larger companies and other industries. Research was conducted to determine why this was happening and what could be done to reduce these numbers.

The research indicated that “struck bys” were the leading source of injuries and lack of training or possibly inadequate training was a prime reason. The research also indicated 80 percent of the accidents was the result of the work process and 20 percent was the result of mechanical failure, lack of guarding, etc. Region 4 has the largest number of logging employers, accounts and claims in the state.

Enforcement activity within the industry has shown only limited success in reducing accidents. There are a couple of reasons for this. First, logging contractors are hard to locate; and second, when they are located, the inspection only gives a brief snapshot in time of the activities. In an ever-changing environment, this snapshot doesn’t give a clear evaluation of the hazards.

A plan was formulated to work with the small logging employers through the department’s consultation program. This would create a long-term relationship to help employers with safety programs, hazard identification and training. Since consultation must be invited by the employer before our services can be rendered, a non-formal partnership approach was taken. Most of the contractors in Washington work for the large landowners in the state. This Logging Partnership Program would have the landowners, contractors and L&I consultation working together to provide a safe and healthful workplace for employees. With this three-way partnership, we could gain access to the logging contractors through the landowner.

After several meetings with one landowner, they agreed to the partnership concept with the condition that their contractors were willing to go along. A meeting was held with the contractors, where we explained this was an informal program with the goal of reducing injuries and supplying training as needed. They liked the idea and agreed to give it a try.

This program was initiated in the fall of 2000 with onsite consults starting in the winter of 2001. The first group of logging contractors consisted of 30-35 employers. A short-term review was done in December 2001. The data showed a reduction in claims from 42 to 30. By the end of 2002, the partnership program had approximately 100 employers. The results to that date showed a substantial reduction in claims and costs. The number of claims was reduced from 234 to 161 (31 percent). At the present time, we have over 200 small logging contractors and four major landowners involved in the partnership. The most current data shows that the *pre-consultation number of claims was 376. Based on computer projections, the expected post-consult number should show a 22 percent decrease. The actual post-consult number of claims was 269, a 28.5 percent decrease. Claims costs, based on an average dollar amount per injury type, show the pre-consultation incurred costs were \$24,036,986. With the reduction in the number of injuries, using averages, the expected incurred cost would be \$18,851,312. This is a reduction of \$5,185,674 (21.6 percent).

**Pre-consultation is a sliding scale for the employers based on how long they have been in the program. Once an employer joins into the partnership, their previous three years of claims history becomes part of the data. The comparison is then based on this information. The longer an employer is in the program, the more defined the results will be.*

At the start of the Partnership Program, several meetings were held to address certain issues we knew would arise. There was an informal agreement between enforcement and consultation that there would be a 12-month exemption from a programmed compliance inspection following a comprehensive consultation. Imminent danger allegations (such as working closer than two tree lengths or under a danger tree), accidents, fatalities, complaints or a follow-up to a previous inspection would still be conducted.

The question has come up regarding the lapse time following a consult before any enforcement activity can take place when dealing with contract loggers involved with the Logging Partnership Program.

It was agreed to extend the 12-month exemption to logging contractors who became involved with the partnership agreement. Since that time there has been language placed in both the Compliance (issued 2003) and Consultation (issued 2002) Manuals that spells out the conditions.

To clarify this issue, the following will apply.

II. Enforcement Protocol

A 12-month exemption will be given to logging companies who have entered into the Logging Partnership Program and have scheduled a comprehensive consultation. Imminent danger allegations, accidents, fatalities, complaints or a follow-up to a

previous inspection would still be conducted in accordance with the Compliance Manual.

A list of the participating logging contractors will be produced by consultation and a copy given to enforcement.

When an inspector comes upon a logging jobsite, the inspector must first determine the company name and if they are involved with the logging partnership program. *Involved in the program* means the employer has had or has scheduled a consultation. If the logging company is in the program, the enforcement officer shall leave the jobsite. If the company is in the program and while determining the company's status in the program, the enforcement officer observes a serious hazard, he/she shall:

- Address the hazard with the owner or lead man and the employee.
- Have the employer/lead man correct the hazard.
- Notify the consultant for an immediate follow-up with the employer so steps can be taken to ensure the hazard doesn't occur again.

WRD 2.12, "Coordinating WISHA Enforcement and Consultation," will be followed during the promotional process while trying to encourage new employers to join the program.

The spirit of WRD 2.12 is for coordinated efforts between enforcement and consultation. This coordinated effort would allow time for marketing the consultation program to employers.

- If WISHA enforcement and consultation staffs agree that a particular employer (or type of employer) will be encouraged to take advantage of consultation services, that employer will not be scheduled for an inspection for at least 30 days.
- If the employer agrees to a consultation, no inspection will be scheduled for an additional 30 days.
- If the employer has not agreed to a consultation, but the consultation supervisor still believes that such a request is possible, enforcement supervisors may delay any enforcement activity an additional 30 days.

Note: The combined effect of the above provisions is to allow a delay in enforcement activity of no more than 90 days before either a consultation has actually begun or the employer is subject to an enforcement visit.

After the employer has made a commitment to become active in the logging partnership program, every effort will be made by consultation to do a comprehensive consult within 30 days.

III. Scope and Application

This WISHA Regional Directive (WRD) provides guidance for the coordination of enforcement and consultation activities in the logging industry. It replaces any previous guidance, whether formal or informal, and will remain in effect indefinitely.

Approved: _____
Mel James, Acting Senior Program Manager
WISHA Policy & Technical Services

For further information about this or other WISHA Regional Directives, you may contact WISHA Policy & Technical Services at P.O. Box 44648, Olympia, WA 98504-4648 -- or by telephone at (360) 902-5503. You also may review policy information on the WISHA website (<http://www.lni.wa.gov/Safety/>).